

Message Text

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51

ORIGIN L-02

INFO OCT-01 EUR-12 IO-10 ISO-00 SS-15 DODE-00 H-02 NSC-05

CIAE-00 PM-03 INR-07 ACDA-05 NSAE-00 PA-01 PRS-01

SP-02 USIA-06 TRSE-00 SAJ-01 OIC-02 CU-02 /077 R

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S/S - MR.KUCHEL

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P 211750Z JUN 75

FM SECSTATE WASHDC

TO USMISSION GENEVA PRIORITY

INFO AMEMBASSY MOSCOW PRIORITY

USMISSION NATO

C O N F I D E N T I A L STATE 146705

E.O. 11652: GDS

TAGS: CSCE, PFOR, XG

SUBJECT:CSCE: ORGANIZATION OF FINAL DOCUMENTS

REFS: A.GENEVA 3605

B.GENEVA 4501

C.GENEVA 4582

1. SOVIET MOVE TO AGREE TO ONE SIGNATURE, AT END OF ALL TEXTS, IS COMPROMISE FROM POLITICAL POINT OF VIEW, SINCE IT INTER-RELATES ALL BASKETS, BUT IT POSES DIFFICULTIES FROM LEGAL VIEW. DEPT REMAINS CONCERNED THAT SIGNATURE AT END OF ONE LONG DOCUMENT INCLUDING ALL CSCE DOCUMENTS COULD BE VIEWED AS EVIDENCE THAT DOCUMENT REPRESENTED INTERNATIONAL AGREEMENT LEGALLY BINDING USG. WE ARE, THEREFORE, RELUCTANT TO AGREE TO THIS ARRANGEMENT UNLESS LEGAL IMPLICATIONS ARE PREVENTED BY ADEQUATE DISCLAIMER CLAUSE.

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2. IN ORDER TO SOFTEN SOVIETS UP FOR ADEQUATE LEGAL DISCLAIMER, AND ENSURE THAT ALLIES' OWN AMBIVALENCE DOES NOT LEAD TO OVERLY OBSCURE TEXT, U.S. DELEGATION SHOULD INFORM OTHERS THAT DEPT MAINTAINS POSITION THAT SIGNATURE CAN

ONLY BE AT END OF BRIEF INTRODUCTORY FINAL ACT. AT SAME
TIME DELEGATION OFFICERS MAY COOPERATE IN EFFORTS TO WORK
OUT ADEQUATE DISCLAIMER ON "PERSONAL" BASIS. DEPT WOULD
BE "PERSUADED" TO ACCEPT COMPROMISE IF DISCLAIMER WERE,

FOR EXAMPLE, ALONG LINES OF PARA 1(B) REF A AS MODIFIED
BELOW:

BEGIN TEXT: THE UNDERSIGNED REPRESENTATIVES OF GOVERNMENTS
MINDFUL OF THE HIGH POLITICAL SIGNIFICANCE OF THE RESULTS
OF THE CONFERENCE, DECLARING THE DETERMINATION OF THEIR
GOVERNMENTS TO BE GUIDED BY THE PROVISIONS OF THE ABOVE
DECLARATIONS, RECOMMENDATIONS AND RESOLUTIONS IN THE
CONDUCT OF THEIR RELATIONS WITH EACH OTHER, HAVE SUB-
SCRIBED THEIR NAMES BELOW. --HELSINKI, THIS--DAY
OF--1975. END TEXT.

WE PREFER TO OMIT THE LIST OF THE SIX OFFICIAL LANGUAGES,
SINCE SUCH A LIST IS USUALLY INCLUDED TO INDICATE EQUAL
LEGAL VALIDITY OF TEXTS IN THE VARIOUS ORIGINAL
LANGUAGES, AND WE ARE NOT TREATING THESE TEXTS AS LEGAL.
FURTHER, GIVEN THE TENDENTIOUS RUSSIAN TRANSLATION PRO-
BLEMS, THERE IS NO ADVANTAGE TO THE WEST IN STRESSING
EQUAL VALIDITY. THE PHRASE "DONE AT" IS OMITTED JUST
TO AVOID ANOTHER TRADITIONAL TREATY ELEMENT.

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<< END OF DOCUMENT >>

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